IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.32767 of 1998

Dated: 28-03-2007

Between:

The Nagarpanchayat, Bhainsa,
Adilabad District,
rep. by its Chairperson Sri Mohammed Jabir Ahmed.

... Petitioner

and

1. The Mandal Revenue Officer,
   Bhainsa,
   Adilabad District and 4 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the action of second respondent in giving telephonic message to first respondent and in consequence thereof in issuing the impugned Lr.No.A/3352/98, dated 17-11-1998 by first respondent directing the petitioner to stop construction of the shopping complex in Sy.No.340

situated at Bhainsa town,
as arbitrary and illegal and consequently allow the petitioner to proceed with the finalization of tenders and construction of shopping complex in Sy.No.340 of Bhainsa town as per the approved plan and in accordance with law.

2. Heard learned counsel for the parties.

3. This Court on 26-11-1998 while issuing *Rule nisi,*
in W.P.M.P.No.40248 of 1998 granted interim stay of the operation of the impugned letter No.A/3352/98 issued by first respondent, by which petitioner was directed to stop construction of shopping complex. Despite the fact that notices are served on respondents, they have not chosen to file any counter affidavit.

4. According to the learned counsel for petitioner, pursuant to the interim order passed by this Court, petitioner has completed the construction and the shopping complex is very much in existence. In the light of the said construction, the fifth respondent, who was opposing the construction and claiming title over the property, is not interested in opposing the writ petition.

5. Accordingly, the writ petition is allowed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.28-03-2007
GLV